

**IN THE HIGH COURT OF UTTARANCHAL AT
NAINITAL.**

Writ Petition No. 1861 (S/S) of 2005

Smt. Janki Khati
Wife of Sri K.S. Khati,
R/o GIC Campur, Tanakpur,
District –Champawat. Petitioner.

Versus

1. State of Uttarakhand through Secretary Department of Basic Education, Government of Uttarakhand, Dehradun.
2. Director of Basic Education, Uttarakhand, Dehradun.
3. District Education Officer, Champawat, District – Champawat.
4. Additional District Education Officer (Basic), Champawat, District – Champawat.

.....Respondents.

Hon'ble M.M. Ghildiyal, J.:

Heard Sri S.S. Adhikari, learned counsel for the petitioner, learned standing counsel for respondents.

Learned counsel for both the parties are agreed to decide the writ petition at its admission stage itself.

By means of this petition, the petitioner has prayed to issue a writ in the nature of Mandamus commanding the respondents to pass the fresh order keeping in view of the facts and circumstances and the problems of the family and also to consider the representation of the petitioner in view of the Government Order dated 24.05.2004 which provides that if husband and wife are teachers they may be adjusted at one place as far as possible.

The contention of the petitioner is that vide order dated 21.05.2005 the petitioner was promoted and posted from Tanakpur to Riyansi, Champawat as Assistant Teacher, Junior High School. Since the husband of the petitioner is also working at Tanakpur as Assistant Teacher in Radhe Hari Government Inter College, Tanakpur. Petitioner made a representation dated 18.11.2005 to the effect that her husband is working as Assistant Teacher at Tanakpur, considering the Government Order as well as family condition of the petitioner, a fresh order may be passed to adjust the petitioner at Tanakpur or at any nearby place as provided under Government Order dated 24.05.2004, however, till date no action has been taken by the respondent no. 4.

During the course of argument, learned counsel for the petitioner has confined his prayer that respondent no. 4 may be directed to decide the petitioner's representation afresh.

The prayer is innocuous. Accordingly, I direct the respondent no. 4 to decide the petitioner's representation dated 18.11.2005 within a period of three weeks from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

December 15, 2005

SKSharma